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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,601

12/03/2003

Gudmundur Fertram Sigurjonsson

SIGU3012/JEK/JJC

4601

23364 7590 07/25/2007
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EXAMINER

LEWIS, KIANDRA CHARLE

ART UNIT

PAPER NUMBER

3772

MAIL DATE

DELIVERY MODE

07/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,601

Applicant(s)

SIGURJONSSON ET AL.

Examiner

Kiandra C. Lewis

Art Unit

3772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/30/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7-10, 12, 15, 19, 20 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5, 7-10, 12, 15, 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/30/2007 have been fully considered but they are not persuasive. As to newly added claim 26, the applicant has not included all limitation in the original claim 12 in combination with the allowable subject matter of claim 17 to make the newly added claim allowable. The applicant has not included the limitation "wherein the adhesive layer is located along at least one segment of a border portion of the facing layer". Claim 17 was noted allowed if to include ALL the limitations of the base claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cartmell et al. 5,160,328; Rawlings et al. 4,657,006; Lindqvist et al. 6,051,747; Kydonieus et al. 5,591,820 and Reed et al. US 5,653,699.

As to claim 26, Cartmell et al. disclose a wound dressing having proximal and distal sides (Fig. 2), comprising an absorbent core having proximal and distal surfaces including central and border portions; a discrete skin adherent facing layer (16 or 17) the facing layer having a proximal surfaced and a distal surface directly secured to the

Art Unit: 3772

absorbent core (14), said facing layer defining a region having a plurality of through extending apertures (col. 5, lines 39-41) arranged in a pattern; and a discrete pressure sensitive adhesive (20) layer applied directly to the facing layer on at least a segment of the proximal surface therefor only surrounding the region of the apertures (col. 4, lines 3-6, lines 11-21) wherein the facing layer and the adhesive layer are contiguous and combine to define the entirety of the proximal sides of the dressing (col. 4, lines 19-23). Cartmell et al. do not expressly disclose that the facing layer is a cross-linked silicone gel. However Rawlings et al. disclose that a wound dressing that contains in intermediate that is perforated. Rawlings et al. teach that intermediate layer is preferably a non-woven fabric that is formed from hydrophobic polymers. Cartmell et al. and Rawlings et al. are analogous because they are from the same field of endeavor of providing a patient with an absorbent dressing for a wound. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use a hydrophobic material as the facing layer in the invention of Cartmell et al. as taught by Rawlings et al. for the purpose of providing the additional support to the wound dressing. Rawlings et al. has not specifically stated "cross linked silicone gel", but the applicant has disclosed that the material is preferably hydrophobic. Lindqvist et al. go on to teach that the use of a hydrophobic cross linked silicone gel in wound dressing (Fig. 1A, col. 1, lines 63-65). Lindqvist further teaches the need for a hydrophobic layer such as a cross linked silicone gel in a dressing for the purpose of preventing spontaneous reflux of absorbed fluid to the skin or the wound. The reference also teaches that it is possible to use other hydrophobic gels in wound dressings such as

Art Unit: 3772

hydrophobic polyurethane gels. Therefore it would have been obvious to use a cross linked silicone gel as the facing layer because it is known in the art to use a hydrophobic layer in the a wound dressing. As to the adhesive layer having greater skin adherence properties than the elastomeric gel of the facing layer this limitations in inherent. It is known in the art that is well known that elastomeric gels (e.g. silicone gels) have low tack properties. Furthermore Kydoneius et al. teaches that commonly used pressure sensitive adhesives are known to have strong adherence to the skin ('820, col. 1, lines 22-45) and that hydrocolloid (gel forming) adhesives tend to have lower tack properties than other adhesives (col. 2, lines 8-14). Apertured adhesives are common to dressing for exudates management. Reed et al. teaches that the pressure sensitive adhesive layer of wound dressing may be continuous or discontinuous ('699, abstract). It would have been obvious to one having ordinary skill in the art at the time of the invention to make the central portion of dressing apertured for the purpose of regulating the exudates absorbed ('699 col. 13, lines 45-55).

Allowable Subject Matter

4. Claims 1-3, 5, 7-10, 12, 15, 19 and 20 are allowed.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiandra C. Lewis whose telephone number is 571-272-7517. The examiner can normally be reached on Mon-Thurs 9AM-6PM and alternating Fridays 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on 571-272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCL


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7/23/07